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PATENT

Customer No. 22,852

Attorney Docket No. 7738.147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Grant E. DUBOIS et al. ) Group Art Unit: 1761  
)  
Application No.: 09/838,809 ) Examiner: Carolyn A. Paden  
)  
Filed: April 20, 2001 )  
)  
For: NON CALORIC FROZEN )  
CARBONATED BEVERAGE )

Commissioner for Patents  
Washington, DC 20231

Sir:

**FOURTH SUPPLEMENTAL INFORMATION**  
**DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents, including any copending patent applications, are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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10/15/2003 GWDRDOF1 00000057 09838809

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

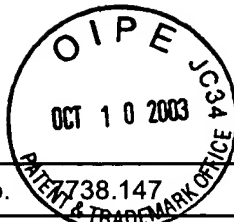
Dated: October 10, 2003

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# INFORMATION DISCLOSURE CITATION

Atty. Docket No.	738,147	Serial No.	09/838,809
Applicant	Grant E. DUBOIS et al.		
Filing Date	April 20, 2001	Group:	1761

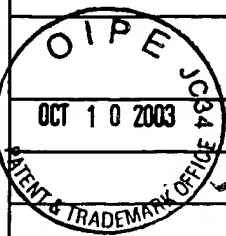
## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	RE. 33,719	10/15/91	Levin			
	4,262,032	4/14/81	Levin			
	4,902,525	2/20/90	Kondou			
	4,963,382	10/16/90	Arena et al.			
	5,064,672	11/12/91	Mazur			
	5,275,835	1/4/94	Masterson et al.			
	5,399,365	3/21/95	Yatka et al.			
	5,532,022	7/2/96	Miller et al.			
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	2002/0187232	12/12/02	Lee et al.			
	2002/0197371	12/26/02	Lee et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or N
/	GB 2 093 677	9/8/82	Great Britain			
/	EP 0 257 626	3/2/88	Europe			
/	EP 0 759 273	2/26/97	Europe			
/	EP 0 792 589	9/3/97	Europe			
/	JP 9-224588	9/2/97	Japan			Abstract
/	JP 7-274829	10/24/95	Japan			Abstract
/	WO 97/22263	6/26/97	PCT			

# **FOREIGN PATENT DOCUMENTS**

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes r N
	WO 99/30577	6/24/99	PCT			
	WO 99/34689	7/15/99	PCT			
	WO 00/42865	7/27/00	PCT			
	WO 01/28357	4/26/01	PCT			
	WO 02/085130	10/31/02	PCT			
	WO 02/087358	11/7/02	PCT			
	WO 02/087359	11/7/02	PCT			

## **OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	G.R. Shore et al., Taste and Mouthfeel in Low Calorie Soft Drinks, Pickenhagen/Contribution of Low-and Non-Volatile Materials to Flavor, pp. 119-123

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce